



November 1, 2016

Proposed Resolution W-5119

Agenda ID: 15295

To: All Interested Persons

Enclosed is Proposed Resolution W-5119 of the Water Division, which orders the Commission's investor-owned Water Utilities to comply with the Governor's Executive Order B-37-16, adopted May 9, 2016. Proposed Resolution W-5119 is scheduled to appear on the December 1, 2016 Commission Meeting Agenda (ID# 15295).

The Commission may act on this resolution or it may postpone action until later. When the Commission acts on a proposed resolution, the Commission may adopt all or part of the proposed resolution, as written, or amend or modify the proposed resolution; or the Commission may set the proposed resolution aside and prepare a different resolution. Only when the Commission acts does the resolution become binding.

Interested persons may submit comments on Proposed Resolution W-5119 via email to Water.Division@cpuc.ca.gov on or before **November 21, 2016**. Please reference **"Proposed Resolution W-5119"** in the subject line.

Interested persons must also serve a copy of their comments on the utility on the same date that the comments are submitted to the Water Division. If email is unavailable, please submit comments to:

California Public Utilities Commission
Water Division
505 Van Ness Avenue
San Francisco, CA 94102

Comments should focus on factual, legal, technical errors, or policy issues in the proposed resolution.

Persons interested in receiving comments submitted may contact the Water Division at Water.Division@cpuc.ca.gov or (415) 703-1133. Please reference "Proposed Resolution W-5119."

/s/ RAMI S. KAHLON

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Enclosures: Proposed Resolution W-5119
Certificate of Service
Service List

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PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WATER DIVISION

RESOLUTION W-5119

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RESOLUTION

(RES. W-5119) RESOLUTION ORDERING THE
COMMISSION'S INVESTOR-OWNED WATER UTILITIES
TO COMPLY WITH THE GOVERNOR'S EXECUTIVE
ORDER B-37-16, DATED MAY 9, 2016.

SUMMARY

On May 9, 2016, Governor Edmund Brown Jr. issued Executive Order (EO) (B-37-16) in light of the ongoing drought and directed multiple state agencies to update the temporary emergency water restrictions previously adopted and transition to permanent, long-term improvements in water use by taking the following actions. The actions include: use water more wisely; eliminate water waste; strengthen local drought resilience; and improve agricultural water use efficiency and drought planning. Under the eliminate water waste directive, EO B-37-16 directs the California Public Utilities Commission (Commission) to order its investor-owned water utilities to accelerate work to minimize leaks.

This resolution acknowledges the work the Class A investor-owned water utilities have done in keeping non-revenue water percentages stable since the Rate Case Plan Decision¹ was adopted and encourages further work that will accelerate efforts to minimize leaks as system leaks are just one component of non-revenue water. Efforts that shall be undertaken by investor-owned utilities to reduce non-revenue water and minimize leaks include, but are not limited to: water loss audits; accelerated meter and

¹ The Rate Case Plan Decision (D. 07-05-062) adopted a schedule for the investor-owned utilities to file General Rate Case applications with the Commission. This Decision also ordered the utilities to submit Minimum Data Requirements (MDRs) as part of their applications including information on efforts to reduce non-revenue water for the previous five years; a water loss audit in accordance with American Water Works Association; information on number of leaks in the last five years; a description of a utility's leak detection program; and various other metrics for supply and distribution infrastructure status and planning.

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main replacement programs; increased inspections of service connection meters and mains; installation of leak-detection sensors in the distribution system; and deployment of advanced meter infrastructure (AMI). These efforts shall be reviewed in each utility's upcoming general rate case applications. Although our Class B utilities are not under the same reporting requirements as our Class A utilities as they do not have a defined Rate Case Plan, these utilities should still propose methods to accelerate efforts to minimize leaks in their next general rate case filings for evaluation in order to comply with the Governor's EO B-37-16 as well.

BACKGROUND

On January 17, 2014, Governor Brown issued his first drought-related EO (Governor's Proclamation No. 1-17-2014) declaring a drought state of emergency. In response to this executive order, the Commission on February 28, 2014, issued Resolution W-4976 wherein it adopted drought procedures for water conservation otherwise known as Tariff Rule and Schedule 14.1. The Commission ordered Class A and B water utilities with Tariff Rule 14.1 for voluntary conservation to activate their Tariff Rule 14.1 calling for a voluntary reduction in water use. Those utilities that did not have an existing Tariff Rule 14.1 were required to file an advice letter adding this rule to its tariff. Currently, all of our Class A and B water utilities are in compliance with Resolution W-4976. Utilities should have also amended Tariff Rule 14.1 to reflect a Water Shortage Contingency Plan for 2015 compliance.

On April 25, 2014, Governor Brown issued a second executive order (April 2014 Proclamation) and in response, the State Water Resources Control Board (Water Board) passed Resolution 2014-0038 on July 15, 2014 (2014 Emergency Resolution). Consequently, the Commission adopted Resolution W-5000 on August 14, 2014. Both the Water Board and the Commission's Resolutions addressed outdoor irrigation and wasteful water practices.

In September 2014, Governor Brown signed SB 1420, a set of amendments to the Urban Water Management Planning Act. This change in the law required, among other things, that all urban water suppliers include a quantification of distribution system water losses in their respective urban water management plans, beginning with the 2015 plan updates which are due to be filed by July 1, 2016. As amended, the law then required urban water suppliers to describe their demand management measures, which must

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include programs to assess and manage real water losses from their distribution systems. Water suppliers are also required to quantify past, current, and projected water use, including distribution system water losses. Water loss is to be reported on a worksheet based on the water system balance methodology developed by the American Water Works Association (AWWA). Our Class A Water Utilities have been reporting this water loss based on this methodology through each of their General Rate Case (GRC) Applications in compliance with the Rate Case Decision since 2008.

On April 1, 2015, Governor Edmund Brown Jr. issued EO B-29-15 directing the Commission and the Water Board to: (1) impose restrictions to achieve a statewide 25% reduction in potable urban water usage, as compared with the amount used in 2013, through February 2016; and (2) to direct urban water suppliers/utilities to develop rate structures and other pricing mechanisms, including surcharges, fees, penalties, or other mechanisms, to maximize 25% water conservation. Both the Commission and the Water Board were directed to adopt emergency regulations, pursuant to Water Code Section 1058.5, as it deems necessary to implement this directive. As the EO issued on April 1, 2015, specified, all of the 2014 restrictions are still in full force and effect. In response, the Water Board passed Resolution 2015-0015 on March 17, 2015 (2015 Emergency Resolution), and the Commission adopted Resolution W-5034 on April 9, 2015 adopting parallel regulations for its utilities. The final Emergency Regulation was adopted by the Water Board at its meeting on May 5, 2015 by Resolution No. 2015-0032. In response, the Commission directed its water utilities to comply with EO B-29-15 by adopting Resolution W-5041 on May 7, 2015.

With the latest EO B-37-16, the orders and provisions contained in Governor Brown's January 17, 2014 Emergency Proclamation, the April 25, 2014 Emergency Proclamation, Executive Orders B-26-14, B-28-14, B-29-15, and B-36-15 remain in full force and in effect. EO B-37-16 then directs various state agencies to incorporate the following actions: use water more wisely; eliminate water waste; strengthen local drought resilience; and improve agricultural water use efficiency and drought planning. Under the use water more wisely directive, the Water Board shall adjust emergency water conservation regulations through the end of January 2017 in recognition of the differing water supply conditions across the state. The Department of Water Resources (Department) shall work with the Water Board to develop new water use targets as part of a permanent framework for urban water agencies. Also, the Department and the Water Board shall permanently require urban water suppliers to issue a monthly report on their water usage, amount of conservation achieved, and any enforcement efforts. Under the eliminate water waste directive, the Water Board shall permanently prohibit

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practices that waste potable water. The Water Board and the Department shall direct actions to minimize water system leaks that waste large amounts of water and direct urban and agricultural water suppliers to accelerate their data collection, improve water system management, and prioritize capital projects to reduce water waste. Finally, under this directive, the Commission shall order its investor-owned water utilities to accelerate work to minimize leaks.

DISCUSSION

Since EO B-37-16 directed the Commission to order its investor-owned water utilities to accelerate work to minimize leaks, the Commission now acknowledges the work the Class A investor-owned water utilities have done in keeping non-revenue water percentages stable and encourages further work that will accelerate efforts to minimize leaks as system leaks are just one component of non-revenue water. As our Class A Water Utilities have been reporting non-revenue water metrics through each of their General Rate Case Applications in accordance with the prescribed AWWA methodology, this non-revenue water metric can be broken down further as defined by AWWA. The table below illustrates how non-revenue water is broken down and calculated.

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Table 1. AWWA Water Balance

System Input Volume (corrected for known errors)	Authorized Consumption	Billed Authorized Consumption	Billed Metered Consumption (including water exported)	Revenue Water
			Billed Unmetered Consumption	
		Unbilled Authorized Consumption	Unbilled Metered Consumption	Non- Revenue Water (NRW)
			Unbilled Unmetered Consumption	
	Water Losses	Apparent Losses	Unauthorized Consumption	
			Customer Metering Inaccuracies	
			Systematic Data Handling Errors	
		Real Losses	Leakage on Transmission and Distribution Mains	
			Leakage and Overflows at Utility's Storage Tanks	
			Leakage on Service Connections up to point of Customer metering	

As evidenced in the above table, non-revenue water is made up of multiple components with system leaks being merely one component. Unfortunately, our Class A water utilities do not currently have the capability to break down this non-revenue water number further into the components as defined by AWWA², but the utilities still report this number as a total percentage using AWWA's water loss audit software. However, the Class A water utilities still provide plentiful other metrics involving system leaks in their GRC applications including, but not limited to the following:

² Based on the Governor's Executive Order B-37-16 Information Request Response from the Class A Water Utilities to Terence Shia, CPUC, dated September 15, 2016

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1. Identifying non-revenue water in CCF and percentage of total water production for the last authorized test year, last five years recorded data, and proposed test year amounts.
2. Submitting the results of a water loss audit performed no more than 60 days in advance of the submission of the proposed application. The audit report will be prepared using the free Audit Software developed by the American Water Works Association (AWWA) and available on the AWWA website.
3. In connection with the water loss audit described above, the utility shall conduct and submit the results of a cost/benefit analysis for reducing the level of non-revenue water reported in the water loss audit. If non-revenue water is more than approximately 7% for each district or service area, submit a plan to reduce non-revenue water to a specific amount.
4. Identifying specific measures taken to reduce non-revenue water in the last five years and proposed test year of the GRC application.
5. Identifying the number of leaks in the last five years.
6. Describing its leak detection program.
7. Providing leak repair time and cost statistics for last five years.
8. Identifying specific measures taken to reduce number of leaks in the last five years and proposed test year.

This information expands on the efforts our Class A Water Utilities have spent on minimizing leaks and keeping non-revenue water percentages stable.

To further illustrate the data on non-revenue water percentages from our Class A Water Utilities, the Water Division compiled³ the statistics on these percentages from each of our utilities since the Rate Case Plan Decision was adopted in 2008. From this data, our Class A water utilities generally maintain non-revenue water percentages below 10% with some averaging around 4-7%. Given these numbers, the Commission acknowledges the work the Class A water utilities have done in keeping non-revenue water percentages stable and encourages further work that will accelerate efforts to minimize leaks as system leaks are just one component of non-revenue water. Efforts that shall be undertaken to reduce non-revenue water and minimize leaks include, but are not limited to: water loss audits; accelerated meter and main replacement programs; increased inspections of service connection meters and mains; installation of leak-detection sensors in the distribution system; and deployment of advanced meter

³ Ibid.

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infrastructure (AMI). These efforts shall be reviewed in each utility's upcoming general rate case applications where further scrutiny can be conducted by interested parties considering the cost/benefit analysis for reducing the levels of non-revenue water.

Although our Class B utilities are not under the same reporting requirements as our Class A utilities as they do not have a defined Rate Case Plan, these utilities should still propose methods to accelerate efforts to minimize leaks in their next general rate case filings for evaluation in order to comply with the Governor's EO B-37-16 as well. These Class B utilities still provide metrics on water loss through each of their annual reports in Schedule D of these reports. These utilities present meter testing data in Schedule D-6 of its annual reports where the number of meters tested during the year are provided, and the total water delivered to its metered customers is provided in Schedule D-7 of the report. With the focus on minimizing leaks and reducing water loss, our Class B utilities should continue tracking this valuable information and should continue to provide the Commission with this data in each of its annual reports. In addition, the Commission recommends that these utilities propose methods to accelerate efforts to minimize leaks in each of their next general rate case filings where a cost/benefit analysis for reducing water loss can be conducted thoroughly.

SAFETY AND COMPLIANCE

The Commission is issuing this Resolution to recognize the efforts that its Investor-Owned Water Utilities are expending to ensure that California has sufficient water supplies, including safe and adequate drinking water, during this drought to provide for the safety and welfare of its citizens.

COMMENTS

Public Utilities Code Section 311(g)(1) provides that resolutions must generally be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission. Accordingly, on November 1, 2016, the draft Resolution was mailed to all regulated water utilities and other interested parties with comments due on November 21, 2016.

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FINDINGS

1. On May 9, 2016, Governor Edmund Brown Jr. issued Executive Order (EO) (B-37-16) in light of the ongoing drought and directed multiple state agencies to update the temporary emergency water restrictions previously adopted and transition to permanent, long-term improvements in water use by taking certain actions.
2. These actions include: use water more wisely; eliminate water waste; strengthen local drought resilience; and improve agricultural water use efficiency and drought planning.
3. Under the eliminate water waste directive, EO B-37-16 directs the California Public Utilities Commission (Commission) to order its investor-owned water utilities to accelerate work to minimize leaks.
4. This resolution acknowledges the work the Class A investor-owned water utilities have done in keeping non-revenue water percentages stable since the Rate Case Plan Decision was adopted and encourages further work that will accelerate efforts to minimize leaks as system leaks are just one component of non-revenue water.
5. Efforts that should be undertaken by investor-owned utilities to reduce non-revenue water and minimize leaks include, but are not limited to: water loss audits; accelerated meter and main replacement programs; increased inspections of service connection meters and mains; installation of leak-detection sensors in the distribution system; and deployment of advanced meter infrastructure (AMI).
6. These efforts should be reviewed in each utility's upcoming general rate case applications.
7. Although our Class B utilities are not under the same reporting requirements as our Class A utilities as they do not have a defined Rate Case Plan, these utilities should still propose methods to accelerate efforts to minimize leaks in their next general rate case filings for evaluation in order to comply with the Governor's EO B-37-16 as well.

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8. Class B utilities still provide metrics on water loss through each of their annual reports in Schedule D of these reports. These utilities present meter testing data in Schedule D-6 of its annual reports where the number of meters tested during the year are provided, and the total water delivered to its metered customers is provided in Schedule D-7 of the report.
9. Class B utilities should continue tracking this valuable information and should continue to provide the Commission with this data in each of its annual reports.
10. The Commission is issuing this Resolution to recognize the efforts that its Investor-Owned Water Utilities are expending to ensure that California has sufficient water supplies during this drought to provide for the safety and welfare of its citizens.
11. Pursuant to Public Utilities Code Section 311(g)(1), this resolution was served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission.

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THEREFORE, IT IS ORDERED THAT:

1. All Class A water utilities shall comply with the Governor's Executive Order B-37-16 by accelerating efforts to minimize leaks and keeping non-revenue water percentages stable. Efforts that shall be undertaken by investor-owned utilities to reduce non-revenue water and minimize leaks include, but are not limited to: water loss audits; accelerated meter and main replacement programs; increased inspections of service connection meters and mains; installation of leak-detection sensors in the distribution system; deployment of advanced meter infrastructure (AMI).
2. All Class B utilities shall propose methods to accelerate efforts to minimize leaks in their next general rate case filings for evaluation in order to comply with the Governor's Executive Order B-37-16 as well.
3. This Resolution is effective today.

I certify that the foregoing Resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on December 1, 2016; the following Commissioners voting favorably thereon:

TIMOTHY J. SULLIVAN
Executive Director

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CERTIFICATE OF SERVICE

I certify that I have by either electronic mail or postal mail, this day, served a true copy of Resolution No. W-5119 on all parties in these filings or their attorneys as shown on the attached lists.

Dated November 1, 2016 at San Francisco, California.

/s/ JENNIFER PEREZ

Jennifer Perez

Parties should notify the Water Division, Third Floor, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the Resolution number on which your name appears.

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